

Remarks/Argument

Upon entry of the foregoing amendments, claims 8, 14, 16, 17, 31 to 33 are pending. Claims 3 and 30 have been deleted. Claims 8, 14, 16, 17, 31 and 32 have been amended. No new matter has been added. The Applicants reserve the rights to file continuation or divisional applications directed to the subject matter for all withdrawn/canceled claims. Consideration and allowance of the pending claims is hereby requested in view of the above amendments and the following remarks.

1. 35 U.S.C. §112, first paragraph Rejections

The examiner rejected Claims 14, 16, 17, and 31-33 in view of 35 U.S.C. §112, first paragraph. Claim 14 has been amended to recite a method of “stimulating T-cell transformation and a cell proliferative disorder”. Claim 31 has been amended to recite “a T-cell transformation stimulation, anti-cell proliferation, or anticancer effective amount of the tripeptide.” Claim 16 and 17 have been reworded accordingly. These amendments are fully supported in the text of the application. Support can be found as follows:

- Specific support for treating a condition whose effects can be reduced by stimulating T-cell transformation and a cell proliferative disorder in Claim 14, 16 and 17 may be found at the corresponding PCT publication, page 2, paragraphs 4 and 5; page 14 to 26 “Experiments Regarding the Effects of the YSV Peptide”; and the original PCT claims 14 to 17.
- Specific support for T-cell transformation stimulation in Claim 31 may be found at PCT publication, page 14, section 1.1 to page 16, section 2.1.3.

The applicants believe pending claim 14 to be definite, and to clearly describe the invention, as supported by the specification and the original claims. Therefore, the applicants request the withdrawal of this rejection and allowance of Claim 14 and its dependent Claims 16, 17, and 31 to 33.

2. Priority Issue under 35 U.S.C. §119(e)

Applicants respectfully note the priority issue of claim 14, 16, 17, and 31 to 33.

3. 35 U.S.C. §102(b) Rejection 1

The examiner rejected Claims 3 and 30 as being anticipated by Furka *et al.* Claims 3 and 30 have been deleted. Applicants respectfully submit that the rejection is now moot.

4. 35 U.S.C. §102(a) & (e) Rejection 2

The examiner rejected Claim 3 and 30 as being anticipated by WO patent application 03/006492. Claims 3 and 30 have been deleted. Applicants respectfully submit that the rejection is now moot.

5. 35 U.S.C. §102(a) & (e) Rejection 3

The examiner rejected Claim 3 and 30 as being anticipated by WO patent application 02/087507. Claims 3 and 30 have been deleted. Applicants respectfully submit that the rejection is now moot.

6. 35 U.S.C. §102(b) Rejections 4

The examiner rejected Claims 3, 8 and 30 as being anticipated by Pang *et al* (US 5,739,274). Claims 3 and 30 have been deleted. Rejection on Claims 3 and 30 become moot. Claim 8 has been amended to recite “consisting of the amino acid sequence of L-Tyrosyl-L-Seryl-L-Valine”. Pang *et al* does not teach a pharmaceutical composition “comprising an isolated and purified tripeptide consisting of the amino acid sequence of L-Tyrosyl-L-Seryl-L-Valine admixed with a pharmaceutically acceptable carrier.” The examiner is reminded that a claim is only anticipated under 35 U.S.C. §102(b) when “each and every limitation is found either expressly or inherently in [that] single prior art reference.” Celeritas Techs. Ltd. V. Rockwell Int'l Corp., 150 F3d 1354, 1360 (Fed Cir 1998). Applicants therefore respectfully request removal of rejection.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office action of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any questions regarding these amendments and remarks, the examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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